

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

3. The petitioner's Food Stamp income was determined to be \$228.80 per month based on the following deductions:

\$134.00 standard deduction and a \$246.24 shelter deduction

(the amount of the petitioner's shelter expense which is over 50 percent of adjusted income). The shelter deduction was based on the petitioner's mortgage payment, taxes, insurance and a standard utility allowance, which amounted to \$483.76 per month. (The petitioner received only half of the \$338.00 standard utility allowance because he shares utilities with a friend.)

4. The petitioner says the reduction in his Food Stamps should not have occurred because he cannot afford to live on his income. He believes PATH should have given him separate deductions of \$15 per month for garbage pickup, \$15 per month for out of town calls, \$10 per month for gas and \$10 per month for co-payments on his prescriptions.

ORDER

The decision of the Department is affirmed.

REASONS

All SSI and Social Security Income must be counted under regulations adopted by PATH governing eligibility for the Food Stamp program. F.S.M. 273.9(b)(2)(i). No exceptions are found in the regulations excluding cost of living increases from income. Food Stamp recipients are entitled to further

deductions including a Standard Deduction of \$134, an earned income deduction, an excess medical deduction, a dependent care and child support deduction, and a shelter and utility expense deduction if they are applicable. F.S.M. 273.9(d). There is no deduction for expenses related to transportation.

The petitioner received the standard \$134 deduction given to all applicants for Food Stamps. He has no dependent children and no earned income and thus is potentially eligible only for the excess medical deduction and the shelter and utility deduction. The excess medical expense deduction allows the deduction of medical expenses in excess of \$35 per month that must be borne by the applicant after medical insurance has paid. F.S.M. 273.9(d)(3). The petitioner has indicated that he has only \$15 per month in unpaid medical expenses. Thus, he does not meet the criteria for a further medical deduction.

The petitioner is entitled to receive a deduction for all of his utility expenses including the basic service fee and tax (but not long distance charges) for a telephone as well as garbage and trash collection fees. F.S.M. 273.9(d)(5)(i)(c). PATH has chosen to use a standardized amount to cover all of the petitioner's utilities. F.S.M. 273.9(d)(6). That standardized amount is \$338 per month

which in the petitioner's case has been prorated to half that amount because he shares his utilities with another person. See F.S.M. 273.9(d)(6)(vii). The petitioner has not made an argument that his actual expense for utilities is greater than \$169 per month so as to make this amount unfair to him. If his actual payments exceed this amount, he should notify his caseworker to see if an adjustment can be made.

As the Department's decision is in accord with its regulations, the decision must be upheld by the Board. Fair Hearing Rule 17, 3 V.S.A. § 3091(d).

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